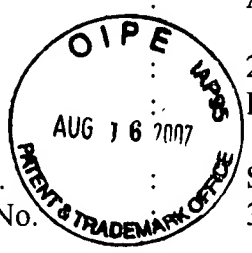
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/824,493
Filed : April 02, 2001



TC/A.U. : 2157
Examiner : Lashonda T. Jacobs

Docket No. : SPL-0032/247181-000244USPT
Customer No. : 30223

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 13, 2007.

Signature: Carla Rivera

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL 37 C.F.R. 4 1.131 DECLARATION

Dear Sir:

We, Timothy G. Curray and Bradley A. Lazenby, named co-inventors of pending U.S. Patent Application No. 09/824,493 ("the '493 application"), entitled "Ethernet Communications For Power Monitoring System," supplementing our "37 C.F.R. § 1.131 DECLARATION" filed April 25, 2006, and our "SUPPLEMENTAL 37 C.F.R. § 1.131 DECLARATION" filed September 25, 2006, hereby declare:

1. The subject matter claimed in all the pending claims 1-41 in the '493 application was conceived by us prior to June 2, 2000, in the facilities of Square D Company in LaVergne, Tennessee. Evidence of the conception is provided, for example, by the following documents:

a. The "Design Specification" submitted as Exhibit A with our Declaration filed April 25, 2006 was prepared, and is dated, prior to June 2, 2000. The "Initial Draft Release" and the revisions 2 through 14 on page 2 of that exhibit were also prepared, and are dated, prior to June 2, 2000. As can be seen from the descriptions of the revisions, the ECC was conceived before June of 2000. Exhibit A and all its revisions were made by us at the facilities of Square D Company in LaVergne, Tennessee.

b. The attached Exhibit K is a series of Monthly Reports prepared by Tim Curray prior to June of 2000. Irrelevant portions of these reports have been redacted, and the portions not redacted relate to the development of the "Ethernet Option Module

(EOM)," which was later identified as the "ECC." These reports clearly show that the ECC had been conceived before those reports were prepared, because the reports discuss advanced development work such as selection and ordering of specific components, whether to use an internal or external RAM interface, PC board layout, preparation of the final schematic and formal design specification, layout of the firmware, etc.

2. The subject matter claimed in all the pending claims 1-41 in the '493 application was reduced to practice by us at least as early as July 20, 2000, in the facilities of Square D Company in LaVergne, Tennessee. As shown by the declarations filed on April 25 and September 7, 2006, the "ECC" product embodying this invention was actually shipped to customers in August of 2000, which fact alone is evidence that the invention was reduced to practice before August of 2000. As stated in the declaration filed September 7, 2000, Square D would not have sold and shipped the ECC without having thoroughly tested the design of the final product to ensure that it would perform the functions described in the sales literature and news releases (e.g., Exhibit C to our declaration filed September 7, 2006) and in the Instruction Bulletin that accompanied each product (see, e.g., the Instruction Bulletin submitted as Exhibit B to our Declaration filed April 25, 2006). We were personally involved in such testing throughout the first eight months of 2000. Many of the tests to which the ECC was subjected prior to the first shipment are described in paragraphs 2 and 3 of our Declaration filed April 25, 2006. Those tests were carried out using test protocols established within Square D and described in an "ECC Test" document attached as Exhibit H to our declaration filed September 7, 2006. Additional evidence that the invention was reduced to practice prior to August of 2000 is set forth in our declaration filed September 7, 2006, and the exhibits accompanying that declaration.

3. From at least June 1, 2000 until the reduction to practice of the subject matter claimed in all the pending claims 1-41 in the '493 application, we worked with due diligence to complete the reduction to practice. We were both employed by Square D Company in LaVergne, Tennessee, and during the months of June and July of 2000, we both spent the majority of our working hours testing and evaluating the performance of the ECC. Exhibit C submitted with our declaration filed September 7, 2006, is a Schneider Electric/Square D news release dated July 20, 2000, announcing that the ECC is "Now Available" (i.e., as of July 20, 2000). This news release specifically mentions that the ECC allowed customers "to connect their POWERLOGIC CM4000 Circuit Monitor to their LAN/WAN system for direct Ethernet

communications," that "An RS-485 Modbus master port on the ECC supports a daisy-chain of up to 31 additional devices, allowing the CM4000 with ECC to act as an Ethernet gateway for the devices," and that "Embedded HTML pages allow for easy device setup and supply real-time power system information from the CM4000 circuit monitor through a standard web browser. Similar information can also be viewed for devices daisy-chained to the ECC's onboard RS-485 port." Additional evidence of our diligence in working on the reduction to practice of the ECC during June and July of 2000 is provided by the following documents:

a. Revisions 15 and 16 on page 2 of the "Design Specification" submitted as Exhibit A with our Declaration filed April 25, 2006 were prepared, and are dated, in June of 2000. Specifically, those revisions were made on June 14 and June 27, respectively.

b. Exhibit J submitted with our declaration of September 7, 2000, contains copies of exemplary Square D records of bug results after tests conducted on ECC's in June and July of 2000.

c. Attached as Exhibit L is a "Measurement Technical Report" dated June 9, 2000, for a Model CM4000 circuit monitor with ECC-63230-169-02. These tests were conducted to measure the radiated immunity of the tested equipment, which included the ECC. The report shows that the tests were conducted on June 2, 2000.

d. Attached as Exhibit M is an "ECC Bezel" drawing, dated June of 2000.

e. Attached as Exhibit N is an "Overlay" drawing of the ECC bezel, dated June 14, 2000.

f. Attached as Exhibit O is a "Final Assembly" drawing of the ECC, dated July 11, 2000.

4. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the '493 application or any patent issued thereon.

Dated: June 26, 2007

Timothy G. Curray

Dated: ~~June~~ July 19, 2007

Bradley A. Lazenby